

The Honorable Frederick P. Corbit
Chapter 11
Response Date: May 8, 2020

**IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON AT SPOKANE**

In Re:

NO. 18-03197-FPC

GIGA WATT, INC.,

Debtor.

**NOTICE AND MOTION TO LIMIT NOTICE
OF APPLICATION OF WTT TOKEN
HOLDERS AND MINERS FOR
ADMINISTRATIVE EXPENSE**

NOTICE

PLEASE TAKE NOTICE that certain creditors claiming an interest in cryptocurrency miners and/or WTT tokens, and members of the non-profit Creditors' Committee of WTT Token Holders and Miners¹ ("Owners") have moved for an order limiting notice of the application for an order granting a claim to administrative expense and declaratory relief as to ownership (the "Motion"). The Motion requests an order authorizing the Owners to serve their application for an administrative expense and for declaratory relief as to ownership on the Trustee, United States Trustee, the Official Unsecured Creditors' Committee, those requesting special notice, ECF participants, and the top 20 largest creditors as designated in the schedules filed by the Debtor.

IF YOU OPPOSE the Motion you must file your written response with the court clerk, and request a hearing at P.O. Box 2164, W. 904 Riverside, Room 321, Spokane, WA 99210 on or before the response date, **which is May 8, 2020.** **YOU MUST ALSO** serve a copy of any

¹ Although some Owners are also members of the Official Committee of Unsecured Creditors (“OCUC”) formed under the direction of the United States Trustee, this application is not made on behalf of the OCUC but only on behalf of the members of the non-profit who claim to hold WTT tokens or own mining machines held at Debtor’s facilities.

objection on the undersigned at 1201 Pacific Ave, Suite 1200, Tacoma, WA 98402; the Chapter 11 Trustee; and on the Office of the United States Trustee.

IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, **GRANT THE MOTION WITHOUT A HEARING AND WITHOUT FURTHER NOTICE**.

MOTION

COMES NOW certain creditors claiming an interest in cryptocurrency miners and/or WTT tokens, and members of the non-profit Creditors' Committee of WTT Token Holders and Miners ("Owners"), by and through their attorneys of record, Samuel J. Dart and Eisenhower Carlson PLLC and request an order limiting notice of their motion for a claim to administrative expense and declaratory relief as to ownership.

ARGUMENT

Debtor filed for Chapter 11 bankruptcy relief on November 19, 2018. Despite the Debtor's relatively short time in operation as a business its hosting facility for mining digital currency generated numerous claims. The Court's claims register includes some 354 claims, many filed by individuals that are part of the nonprofit constituting the Owners requesting relief by way of this motion.

Pursuant to Rules 2002(m), and 9007 of the Federal Rules of Bankruptcy Procedure, the Court may designate the required notice in this case of the Owners' Application for Administrative Expense and Declaratory Relief. Such notice should be limited to the Trustee, United States Trustee, the Official Unsecured Creditors' Committee, those requesting special notice, ECF participants, and the top 20 largest creditors as designated in the schedules filed by the Debtor (the "Service Parties.").

Given that a substantial amount of the claims filed in this case are actually the parties requesting the relief in this motion, and considering that fact that both the Trustee and Official

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Committee of Unsecured Creditors are represented by counsel, the Court should limit notice in this matter to the Service Parties to avoid unnecessary cost, burden, and delay.

CONCLUSION

WHEREFORE, The Court should enter an order authorizing the Owners to serve the Application for Administrative Expense and Declaratory Relief on the Service Parties only and for such other and further relief as may be just and proper.

DATED this 9th day of April, 2020.

EISENHOWER CARLSON PLLC

By: /s/ *Samuel J. Dart*
Samuel J. Dart, WSBA #47871
Attorney for Owners

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